



ENVIRONMENTAL & REGULATORY SERVICES DIVISION  
BUREAU OF PECFA  
9316 North 107th Street  
Milwaukee, Wisconsin 53224-1121  
TTY: Contact Through Relay  
**Jim Doyle, Governor**  
**Richard J. Leinenkugel, Secretary**

## Wisconsin Department of Commerce, Bureau of PECFA Bid Document

### SECTION 1 - Scope of Work

The Bureau of PECFA is seeking competitive bids to perform remedial services for a petroleum release from a regulated petroleum product storage tank system. This bid is for a specified work scope. The site upon which bids are being solicited is:

**Bid Round:** 57  
**Commerce #:** 53209-1736-00-A  
**BRRTS #:** 03-41-519923  
**Site Name:** 7600 North Teutonia Avenue Property  
**Site Address:** 7600 North Teutonia Avenue, Brown Deer, 53209  
**Site/Bid Manager:** Linda M. Michalets  
**Address:** 9316 North 107th Street  
**City, State Zip:** Milwaukee, Wisconsin 53224-1121  
**Phone:** (414) 357-4703  
**e-mail:** [Linda.Michalets@Wisconsin.Gov](mailto:Linda.Michalets@Wisconsin.Gov)

<b>Bid-Start Date:</b>	<b>October 13, 2008</b>
<b>Questions must be received by (See Section 2 (B)):</b>	<b>October 27, 2008, 4:00 PM</b>
<b>Responses will be posted by (See Section 2 (B)):</b>	<b>November 14, 2008</b>
<b>Bid-End Date and Time:</b>	<b>November 28, 2008, 4:00 PM</b>

The case file, including report(s) and other pertinent information upon which bids are being sought, are available for review at the Site Manager's location listed above. Please contact the Site Manager for an appointment to review the file.

Copies of report(s) and other pertinent information are available for purchase at the location listed below. If pertinent information is not available, please contact the Site Manager.

**FedEx Kinkos-Milwaukee, 1703 North Farwell Avenue, Milwaukee, WI 53202**  
**Phone: (414) 272-2679 Fax: (414) 272-5329**

## **SECTION 2 – Site-Specific Bid Requirements**

### **General Comments**

The property at 7600 North Teutonia Avenue is owned by the Village of Brown Deer and is vacant, but was formerly a gas station. Three 10,000-gallon leaded gasoline underground storage tanks were reportedly removed from the site, although there is no removal documentation. The previous consultant noted that when the building and canopy were razed in 2004, a length of pipe was encountered beneath the canopy. The piping was excavated and followed to the edge of the asphalt near the southwest corner of the former canopy where the pipe ended. The consultant concluded that the tanks were likely formerly located on the western corner of the property, but none were encountered during investigative activities, which included a test pit dug to 10 feet below ground surface (bgs) near where the piping ended. Heavily contaminated shallow soil is present on the western portion of the property. The groundwater contaminant plume, which extends south across Calumet Avenue has been defined.

### **Minimum Remedial Requirements**

Commerce is requiring that shallow soil be excavated to address the risk of direct contact from highly contaminated shallow soil on the western portion of the property and reduce the contaminant loading to groundwater. The excavation must include boring B300 and may extend approximately 10 feet north of that boring and 30 feet south from that location, to a depth of four feet bgs. The actual dimensions should be based upon observations in the field during the excavation and the use of a photoionization detector (PID). Please note that PECFA-reimbursable excavation activities must not extend below 4 feet bgs. It is understood that residual soil contamination will remain at greater depths. For bidding purposes, Commerce is assuming a maximum removal of 355 tons of soil (40 ft x 40 ft x 4 ft). Collect confirmation soil samples from the sidewalls every 20 feet (maximum of eight) and two (maximum) from the base of the excavation; have samples laboratory analyzed for petroleum volatile organics (PVOs). The excavated area must be backfilled with soil that is of a similar or lower conductivity to the soil that is removed (silty sand to silty clay).

The contracted consultant must notify the Site Manager at least three days in advance of the excavation so that the Manager can be on site for the excavation and backfilling activities. A per-ton commodity cost estimate is to be provided in the table on page 2 of the Bid Response so that the bid cost cap can be adjusted upward, or more likely downward, based upon the actual amount of soil that is removed.

Upon completion of the soil excavation activities, conduct one round of groundwater monitoring. Collect water samples from wells MW5, 6, 7, 9 and 11 and have them laboratory analyzed for PVOs. Submit a combined excavation report and closure request, including a soil and groundwater GIS Registry packet for the source property and, if any concentrations are above enforcement standards at MW9, the property to the south (7586 North Teutonia Avenue). All interim electronic reporting must also be completed, as outlined in Section 3, below.

Please note that the site figures included in previous reports will not be acceptable for any future reports, as they are not easily reproducible via photocopier. In addition, hand-drawn figures and hand-written additions to data tables will not be accepted.

### **SECTION 3 - Reporting Timeframes**

Within *60 days* of the Commerce notification of the maximum reimbursement amount, the responsible party (RP) must execute a written contract with one of the firms that submitted a bid. Failure to execute the written contract within this time will result in ineligibility of interest expenses incurred from the date of the reimbursement cap letter until a contract is executed and work commences at the site. Work must commence within *45 days* of signing a contract. There are specific reporting requirements in Comm 47.70 to monitor the progress of activities at each bid site and there may be additional reporting requirements outlined above. The consulting firm that is contracted to complete the scope of work is required to report the progress of this site to Commerce electronically on the web site at each of the following points:

1. Within fourteen days of executing or terminating a contract with the RP.
2. Three months after entering into the contract with the RP.
3. Twelve months after beginning the work in the successful bid, unless the project is completed before that time (point 6 applies).
4. Twelve months after submitting the previous report (point 3), unless the project is completed before that time (point 6 applies).
5. No later than 10 days after encountering a change in circumstances (the list of circumstances is in Comm 47.70 (3)).
6. No later than 30 days after completing the work.
7. As directed by Commerce.

If Commerce determines that the consulting firm is failing to make adequate progress to complete the scope of work, Commerce will notify the RP and may reduce the reimbursement to accurately reflect the work completed.

#### **Claim Submittal**

A claim must be submitted to Commerce within 120 days of submitting the report described in *Reporting Timeframe, point #6*. If a claim is not submitted by the deadline described above, interest costs from the date the report (point #6) is submitted to the date the claim is received will not be reimbursed to the claimant. The claim preparation cost must be included in the Total Bid Amount and is considered within the reimbursement cap.

#### **Questions and Answers**

Questions, answers and interpretations will be considered an amendment of this solicitation. All questions must be submitted in writing (fax and electronic mail submittals are acceptable) to the Bid Manager identified in Section 1 of this solicitation. All answers and interpretations shall be in writing from the Bid Manager. Neither the PECFA program nor Commerce shall be legally bound by any amendments or interpretations that are not in writing. Bidders are not to contact other personnel located within the Department of Commerce/Bureau of PECFA concerning the site or the bid solicitation between the Bid Announcement Date and Bid End Date. No further questions will be addressed after the deadline for submitting questions identified in Section 1.

### **SECTION 4 - Conditions of Bid**

The successful bidder will be the entity that complies with all provisions of the bid and provides the lowest total cost, excluding interest, for the site-specific bid requirements described in Section 2. In preparing the bid, the bidder must assume compliance with all applicable codes, including, but not limited to, §Comm 46, §Comm 47, and §NR 700 Wis. Admin. Codes.

The bid Commerce selects to determine the least costly method of remedial action will be the least costly qualified bid. Commerce will rank the bids solely on the basis of cost. Evaluation of bids will continue until the least costly qualified bid is identified. Submittals from an individual or firm during their period of disqualification from bidding, submittals received late and for submittals without a certified commitment (performance assurance and/or signature) will not be considered as bids. Commerce may disqualify a bid for the following reasons:

- Requirements of the bid specifications have not been met.
- The remedial strategy is not appropriate to the geologic setting.
- A Total Bid Amount is insufficient to fund the activities described in the bid specifications.

Commerce reserves the right to reject any and all bids.

Any proposed technology or methods used in the remediation must be allowed for use in the State of Wisconsin and approvable by the agency with jurisdiction (Natural Resources or Commerce).

The bidder Commerce intends to select may be required to provide input to and attend a meeting with the PECFA program and the claimant to explain the bid and remedial approach.

If a bid is disqualified, Commerce will provide written notification to any individual or firm that submitted a disqualified bid. The notification shall specify the reasons for the disqualification, and inform the individual or firm of their right to protest or appeal the decision. If a bid is more costly than the bid Commerce intends to select, the bid will not be reviewed.

The *Notice of Intent* will identify the least costly bid, disqualified bid(s) and bid(s) not reviewed. The *Notice of Intent* will be sent to the RP and will be posted on PECFA's Internet Web site.

## **SECTION 5 - Instructions to Bidders**

Between the bid start and end dates, bidders shall not discuss or attempt to negotiate any aspects of the bid with the RP, other potential bidders or program staff without prior approval of the Bid Manager identified in Section 1. Infractions will result in rejection of the violator's bid and may result in a formal complaint being filed with the Department of Regulation and Licensing.

If access to the site is necessary for the preparation of a bid, access shall be arranged through the Bid Manager. If the Bid Manager is not able to arrange site access, this will not delay the bid process nor negate the comparison and selection from among the bids submitted. All costs associated with a site visit or preparation of a bid will be the bidder's responsibility.

The Bidding Process must conform to the following:

1. The Bid Response shall address all the site-specific bid requirements identified in Section 2.
2. The total bid amount to accomplish the stated goal must include all fees, reporting costs, pre- and post-closure costs and costs for establishing restrictions or institutional controls, when applicable (interest costs are excluded).
3. The submittal must include a copy of the Bid Response document signed by a Professional Engineer, Professional Geologist, Hydrologist or Soil Scientist licensed by the State of Wisconsin. The appropriate registration number of the professional license must be included. Registration requirements are listed in Comm 5.
4. Bids *cannot* be faxed or sent electronically (email) to the program. Documents received by fax or email will not be considered.
5. Bids, amendments thereto or withdrawal requests must be received by 4 pm on the bid end date.
6. The consulting firm's name must be included and all pages of the Bid Response.
7. All costs must be printed (ink, typewritten or computer). Errors must be crossed out, corrections entered and initialed by the person signing the bid. Correction fluid is not allowed. No bid shall be altered or amended after the time specified for the bid end date.
8. Each bidder shall fully acquaint themselves with conditions relating to the scope and restrictions attending to the execution of the work under the conditions of this bid. The failure of a bidder to acquaint themselves with existing documented conditions shall in no way relieve any obligation with respect to this bid.
9. All amendments to and interpretations of this bid shall be in writing from the Bid Manager. Neither Commerce nor the program shall be legally bound by any amendment or interpretation that is not in writing.
10. This bid is intended to promote competition. If the language, specifications, terms and conditions, or any combination thereof restricts or limits the requirements in this bid to a single source, it shall be the responsibility of the interested bidders to notify the program in writing so as to be received five days prior to the opening date. The bid may or may not be changed; however a review of such notification will be made prior to award.

## **SECTION 6 - Bidder Disqualification**

Commerce may disqualify from public bidding any individual or firm that has committed any of the following (Comm 47.67 (1) (a)):

1. Failed to complete the scope of work within the reimbursement cost cap established through public bidding.
2. Failed to complete the scope of work in a bid in a timely manner.
3. Failed to follow DNR rules on the bid project.
4. Received one or more notices from Commerce under s. Comm 47.62 (2) that assess the financial management of an investigation as unacceptable.
5. In any prior occurrence that has been publicly bid, failed to do either of the following:

- a. Pay subcontractors after receiving payment for them.
  - b. Obtain lien waivers on or before the date of the final payment by the RP or the PECFA program, from all subcontractors paid under subd. 5. a.
- 6. Failed to execute a contract with the RP as required in s. Comm 47.69 (1).
  - 7. Failed to commence work within 45 days after executing a contract, as required in s. Comm 47.69 (3).

Commerce may disqualify any individual or firm from performing further work on a project if the individual or firm has not completed any of the six reporting points required in Comm 47.70 and outlined in Section 2 of this bid document. Commerce will review and address the issue as stated in Comm 47.70 (4).

## BID RESPONSE

(1<sup>st</sup> Page)

Department of Commerce PECFA Program

**SITE NAME: 7600 North Teutonia Avenue Property**

**COMMERCE #: 53209-1736-00-A**

**BRRTS #: 03-41-519923**

Submit Bid Response To: Cathy Voges  
Public Bid Response  
Department of Commerce PECFA Bureau  
201 West Washington Avenue, Madison, WI 53703-2760  
or PO Box 8044, Madison, WI 53708-8044

Consulting Firm Name: \_\_\_\_\_

Complete Mailing \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: (     ) - \_\_\_\_\_

Fax Number: (     ) - \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Bidder (check one that applies):

<input type="checkbox"/>	Professional Engineer	License # _____
<input type="checkbox"/>	Professional Geologist	License # _____
<input type="checkbox"/>	Hydrologist	License # _____
<input type="checkbox"/>	Soil Scientist	License # _____



Use this box to certify (by marking with a check or X) a commitment to complete the work described in the bid specifications in its entirety for the Total Bid Amount proposed below. Failure to provide this performance assurance will disqualify this bid response. Providing unsolicited qualifications and/or contingency statements in your bid submittal will disqualify the bid response.

Total Bid Amount: \$ \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

I certify that I have the authority to commit my organization or firm to the performance of the bid I have submitted.

Signature: \_\_\_\_\_

## BID RESPONSE

(2<sup>nd</sup> Page)

Department of Commerce PECFA Program

**SITE NAME: 7600 North Teutonia Avenue Property**

**COMMERCE #: 53209-1736-00-A**

**BRRTS #: 03-41-519923**

**Consulting Firm Name:** \_\_\_\_\_

A bid will be considered non-compliant if the bid response does not include a separate tabulation of costs for each activity.

1a	Commodity costs for soil excavation, disposal and backfill/per ton <i>(will be used to adjust the cost cap upward or downward, depending upon the amount of soil removed)</i>	\$	
1b	Estimated excavation total		355 tons
1c	Estimated total excavation cost (1a x 1b)	\$	
2	Maximum 10 soil samples (PVOCs) collected during excavation activities	\$	
3	Consultant costs for excavation oversight and sampling	\$	
4	One round of groundwater monitoring of five specified wells (PVOCs)	\$	
5	All electronic and written reports, and project management	\$	
6	PECFA claim preparation	\$	
7	<b>Total Bid Amount</b>	<b>\$</b>	